

**Filed 11/9/05 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2005 ND 183

State of North Dakota,

Plaintiff and Appellee

v.

Kevin Deon Moore,

Defendant and Appellant

No. 20050144

Appeal from the District Court of Grand Forks County, Northeast Central Judicial District, the Honorable Debbie Gordon Kleven, Judge.

AFFIRMED.

Per Curiam.

DeWayne A. Johnston, 405 Bruce Avenue, Ste. 100A, Grand Forks, N.D. 58201, for defendant and appellant; submitted on brief.

Mark Jason McCarthy (appeared), Assistant State's Attorney, and Meredith H. Larson (argued), third-year law student, P.O. Box 5607, Grand Forks, N.D. 58206-5607, for plaintiff and appellee.

State v. Moore

No. 20050144

Per Curiam.

[¶1] Kevin Deon Moore appeals from a judgment of conviction for attempted murder. On appeal, Moore argues the trial court erred in not allowing him to withdraw his guilty plea prior to sentencing.

[¶2] On February 23, 2005, Moore plead guilty to attempted murder as part of a plea agreement in which the State agreed to drop terrorizing charges against him. On March 24, 2005, Moore moved to withdraw the plea. The trial court denied Moore's motion, and Moore was sentenced to forty years in the North Dakota Department of Corrections with fifteen years suspended.

[¶3] The trial court's judgment of conviction is based on findings of fact that are not clearly erroneous and the trial court did not abuse its discretion. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4).

[¶4] Gerald W. VandeWalle, C.J.
Mary Muehlen Maring
Daniel J. Crothers
Dale V. Sandstrom
Carol Ronning Kapsner